

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

CHAPTER 11  
CASE NO. 15-41069

BRIAN H. DENKER-YOUNGS  
-----X

**NOTICE OF DEBTOR'S MOTION**  
**OBJECTING TO CLAIM #4 - VW CREDIT, INC. AND**  
**HONORABLE COURTS RE-DIRECT OF COUNSEL**

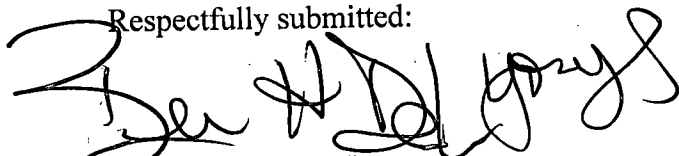
**SIRS:**

PLEASE TAKE NOTICE, Brian H. Denker-Youngs 'debtor' in the above captioned action this 21<sup>st</sup> day of October, 2015 shall move before the Honorable Chief Justice Carla E. Craig, United States Bankruptcy Court Eastern District of New York At 271 Cadman Plaza, East Court Room 3529, Brooklyn, New York 11201 on November 19, 2015 at 2:00pm or as soon thereafter as debtor may be heard, for an entry of an order dismissing claim #4 - CW Credit, Inc. and to move the court upon review of the attached to direct Lawrence Morrison of Morrison and Tenebaum to cease and desist from engaging in fraudulent activity against the debtors' estate.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief herein requested shall be in writing and shall state with particularity the grounds for the objection, shall be filed with the Clerk of the Bankruptcy Court and served upon the undersigned applicant by 5:00pm seven days prior to the return date at least 7 days prior to the return date and upon any other persons whose interests would be affected if the objection is sustained.

Date: October 22, 2015

Respectfully submitted:

  
Brian H. Denker-Youngs

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
In re:

BRIAN H. DENKER  
Debtor  
-----X

Chapter 11  
Case Number 15-41069

DEBTORS AFFIDAVIT  
DISPUTING CLAIM #4

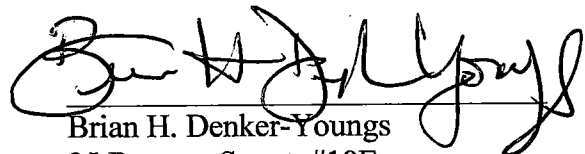
**CLAIM #4: VW Credit, Inc., Amount claimed: \$27286.57 (Callison, John)**

The "debtor", Brian H. Denker-Youngs appearing this 15<sup>th</sup> day of October 2015, disputes creditor claim #4, filed on April 15, 2015 by VW Credit, Inc in the amount of \$27,286.57.

The vehicle lease was entered into by parties to the Denker-Youngs marriage (Edward J Denker-Youngs and Brian H Denker-Youngs) on November 24, 2012 and to which debtor's spouse Edward J Denker-Youngs (or debtor's spouses' mother Matje G Youngs – see email attached) has had sole possession and enjoyment of said vehicle since September 2014 and further direct the same by Order of the Supreme Court on November 6, 2014. Debtor believes the lease term to be ending shortly and said vehicle therefore is due back to Volkswagen of Huntington at the completion of the term by debtors' spouse Edward.

Henceforth, debtor disputes claim #4 in it's' totality and to which the attached communication received by Lawrence Morrison on October 15, 2015 is confusing at best.

Dated: October 15, 2015 ,

  
Brian H. Denker-Youngs  
25 Boerum Street #18E  
Brooklyn, NY 11206  
t. 917-373-5019

From: **Lawrence Morrison** lmorrison@m-t-law.com  
Subject: tmpD8A0.DocGen.pdf  
Date: Today at 5:53 PM  
To: Rabbi rabbibriand@moderndivinities.com, rmccord@certilmanbalin.com

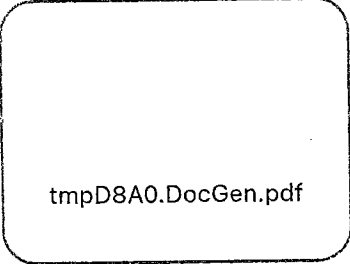
Dear Brian Denker Youngs:

Annexed please find a document received by my office.

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Best regards ,

Lawrence Morrison



tmpD8A0.DocGen.pdf

Sent from my iPhone

## **National Bankruptcy Services, LLC**

14841 Dallas Parkway, Suite 300 ♦ Dallas, Texas 75254 ♦ (972) 643-6600 ♦ (972) 643-6698 (Fax)

October 15, 2015

Lawrence Morrison  
Attorney At Law  
87 Walker St Fl 2  
New York, Ny 10013-3530

**SENT VIA:**

☐ E-MAIL morrlaw@aol.com  
☐ Facsimile \_\_\_\_\_

RE:     Creditor        VW Credit, Inc.  
       Debtor(s):     Brian Denker  
       Case No.:       1-15-41069-CEC  
       Lease No.:      xxxxx6959  
       Our File No.    7227-N-7193  
       Collateral:     2013 VW EOS, VIN: WVFW8AH0DV003520

### **ASSUMPTION OF LEASE**

Dear Lawrence Morrison:

Please confirm the following:

We would like to extend the offer of a Lease Assumption to your client(s). The terms or the original Contract or informal agreement, if applicable, will remain as previously agreed upon.

We have received notice of your client's desire to assume the lease Under 11 USC § 365(p)(2)(A). Please evidence the assumption of lease by executing the letter in the space provided below, or by obtaining your client(s) signature where indicated. We ask that you return this document to us via facsimile or email with an original following in the mail. Execution and return of this document will be considered an assumption of the lease, and therefore all the original contract's obligations, pursuant to §365 of the Bankruptcy Code.

If you have any questions or concerns, please do not hesitate to contact us at the number provided below.

Very truly yours,

Johntel Franklin  
Bankruptcy Specialist I  
National Bankruptcy Services, LLC  
Phone: 214-550-4138  
Fax: 214-550-4033  
E-mail: [Johntel.Franklin@nbsdefaultservices.com](mailto:Johntel.Franklin@nbsdefaultservices.com)

\_\_\_\_\_  
Lawrence Morrison  
Attorney for Debtors

\_\_\_\_\_  
Brian Denker  
Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

B 10 (Official Form 10) (04/13)

| UNITED STATES BANKRUPTCY COURT<br>FOR THE EASTERN DISTRICT OF NEW YORK<br>BROOKLYN DIVISION  |   | PROOF OF CLAIM   |
|--|---|--|
| Name of Debtor:<br>Brian Denker  | Case Number:<br>1-15-41069-CEC  |  |
| NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.<br>You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.   |   |  |
| Name of Creditor (the person or other entity to whom the debtor owes money or property):<br>VW Credit, Inc.  |   | <b>COURT USE ONLY</b>  |
| Name and address where notices should be sent:<br>VW Credit, Inc.<br>PO Box 9013<br>Addison, Texas 75001<br><br>Telephone number: (800) 766-7751 email: pocquestions@nbsdefaultservices.com  |   | <input type="checkbox"/> Check this box if this claim amends a previously filed claim.<br><br>Court Claim Number: _____<br><br>(If Known)<br><br>Filed on _____  |
| Name and address where payment should be sent: (if different from above):<br>VW Credit, Inc.<br>PO Box 610353<br>Dallas, Texas 75261-0353<br><br>Telephone number: (800) 766-7751 email: pocquestions@nbsdefaultservices.com   |   | <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.  |
| <b>1. Amount of Claim as of Date Case Filed:</b> \$27,286.57<br><br>If all or part of the claim is secured, complete item 4.<br><br>If all or part of the claim is entitled to priority, complete item 5.<br><br><input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.  |   |  |
| <b>2. Basis for Claim:</b> Lease<br>(See instruction #2)   |   |  |
| <b>3. Last four digits of any number by which creditor identifies debtor:</b><br>xxxxx6959   | <b>3a. Debtor may have scheduled account as:</b><br><br>(See instruction #3a) | <b>3b. Uniform Claim Identifier (optional):</b><br><br>(See instruction #3b)   |
| <b>4. Secured Claim</b> (See instruction #4)<br>Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.<br><br><b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other<br><b>Describe:</b> LEASE<br>2013 VW EOS, WVWF8AH0DV003520<br><br><b>Value of Property:</b> N/A<br><br><b>Annual Interest Rate:</b> % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable<br>(when case was filed)   |   | <b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b><br>\$0.00<br><br><b>Basis for perfection:</b> Recordation of Lien<br><br><b>Amount of Secured Claim:</b> \$27,286.57<br><br><b>Amount Unsecured:</b> _____ |
| <b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.</b><br><input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).<br><input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507(a)(4).<br><input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family or household use - 11 U.S.C. §507(a)(7).<br><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8).<br><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5).<br><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507(a) ( ).<br><br><b>*Amounts are subject to adjustment on 04/01/2016 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</b> |   |  |
| <b>6. Credits.</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)  |   |  |

B 10 (Official Form 10) (04/13)

**7. Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8)

Check the appropriate box.

☐ I am the creditor.    ☒ I am the creditor's authorized agent.    ☐ I am the trustee, or the debtor, or their authorized agent.    ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)  
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: John R. Callison

Title: Authorized Agent for VW Credit, Inc.

Company: Buckley Madole, P.C.

/s/ John R. Callison  
(Signature)

Address and telephone number (if different from notice address above):

P. O. Box 9013  
Addison, TX 75001

04/14/2015  
(Date)

Telephone number: (972) 643-6600

email: POCInquiries@BuckleyMadole.com

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*